

## IN THE UNITED STATES DISTRICT COURT

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

EASTERN DISTRICT OF TEXAS

FEB - 9 2005

SHERMAN DIVISION

DAVID J. MALAND, CLERK  
BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

vs.

TROY ANTHONY SMOCKS,  
Defendant

§  
§  
§  
§  
§  
§

Case No. 4:05-CR-12  
Judge Schneider

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNTS 1 - 3

Violation: 18 U.S.C. § 1028(a)(1)  
(Production of a false United States  
identification documents)

On or about the following dates, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly and without lawful authority produce the following false United States identification documents bearing the following names:

<u>COUNT</u>	<u>DATE OF PRODUCTION</u>	<u>DOCUMENT</u>	<u>NAME</u>
1	8-3-02	Secretary of Transportation - Federal Aviation Administration Certificate #4830-151(Pilot's License)	Troy A. Perex
2	7-1-2003	Social Security Card Form SSA-3000 (4-95) #D22011577	Troy A. Perez
3	8-12-2003	Armed Forces of the United States of America Identification Card DD-Form 2	Mark Perez

all in violation of Title 18, United States Code, Section 1028(a)(1).

**COUNTS 4 - 5**

Violation: 18 U.S.C. § 1028(a)(1)  
(Production of a false identification documents)

On the following dates, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly and without lawful authority produce in and affecting interstate or foreign commerce the following false identification documents bearing the following names:

<u>COUNT</u>	<u>DATE OF PRODUCTION</u>	<u>DOCUMENT</u>	<u>NAME</u>
4	7-28-2003	Oklahoma Drivers License	John D. Perez
5	7-8-2003	Missouri Certificate of Live Birth #29-73216	Troy A. Perez

all in violation of Title 18, United States Code, Section 1028(a)(1).

**COUNTS 6 - 15**

Violation: 18 U.S.C. § 1028(a)(6)  
(Possession of false United States identification documents)

On or about the following dates, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly and without lawful authority possess the following identification documents bearing the following names that appeared to be United States identification documents which were produced without lawful authority knowing that such documents were produced without lawful authority:

<u>COUNT</u>	<u>DATE</u>	<u>DOCUMENT</u>	<u>NAME</u>
6	August 14, 2003	Armed Forces of the United States Identification Card DD-Form 2	Troy A. Perez
7	August 15, 2003	Armed Forces of the United States Identification Card DD- Form 2	John D. Perez
8	August 15, 2003	Armed Forces of the United States Identification Card DD- Form 2	Robert Perez
9	August 15, 2003	Certificate of Release or Discharge from Armed Forces DD- Form 214	Troy Anthony Smocks
10	August 15, 2003	Certificate of Release or Discharge from Armed Forces DD- Form 214	Troy Anthony Smocks
11	August 15, 2003	Certificate of Release or Discharge from Armed Forces DD- Form 214	Troy Anthony Smocks
12	August 15, 2003	Certificate of Release or Discharge from Armed Forces DD- Form 214	Troy A. Perez
13	August 15, 2003	Certificate of Release or Discharge from Armed Forces DD- Form 214	Troy A. Perez
14	August 15, 2003	Secretary of Transportation - Federal Aviation Administration Certificate (Pilot's License)	Troy Anthony Smocks
15	August 15, 2003	Secretary of Transportation - Federal Aviation Administration Certificate (Pilot's License)	John D. Perez

all in violation of Title 18, United States Code, Section 1028(a)(6).

### COUNT 16

Violation: 18 U.S.C. § 1028(a)(5)  
(Possession of document-making implements)

On or about August 15, 2003, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly possess the following document-making implements: a

computer, scanner, printers and laminating machine with the intent that such implements be used in the production of the following false United States identification documents bearing the following names:

<u>DOCUMENT</u>	<u>NAME</u>
Secretary of Transportation - Federal Aviation Administration Certificate #4830-151 (Pilot's License)	Troy A. Perex
Social Security Card - Form SSA-3000 (4-95) #D22011577	Troy A. Perez
Armed Forces of the United States of America Identification Card DD-Form 2	Mark Perez
Armed Forces of the United States - Identification Card DD-Form 2	Troy A. Perez
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy Anthony Smocks
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy Anthony Smocks
Armed Forces of the United States Identification Card DD- Form 2	John D. Perez
Armed Services of the United States Identification Card DD- Form 2	Robert Perez
Secretary of Transportation - Federal Aviation Administration Certificate	Troy Anthony Smocks
Secretary of Transportation - Federal Aviation Administration Certificate	John D. Perez
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy A. Perez
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy A. Perez
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy A. Perez

<u>DOCUMENT</u>	<u>NAME</u>
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy Anthony Smocks

all in violation of Title 18, United States Code, Section 1028 (a) (5).

**COUNT 17**

Violation: 18 U.S.C. § 702  
(Unauthorized wearing of a Uniform  
of the Armed Forces of the United States)

On or about June 14, 2003 in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly and without authority wear the uniform of the Armed Forces of the United States, specifically the uniform of the rank of Major in the United States Army in violation of Title 18, United States Code, Section 702.

**COUNT 18**

Violation: 18 U.S.C. § 704  
(Unauthorized wearing of decorations or  
medals of the Armed Forces of the  
United States)

On or about June 14, 2003, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly and without authorization wear the following decorations and medals authorized by Congress for the Armed Forces of the United States:

- A. Valor Unit Award
- B. Purple Heart
- C. Distinguished Flying Cross
- D. Air Medal

- E. Army Good Conduct Medal
- F. Armed Forces Expenditary Medal/Ribbon
- G. Army Service Medal
- H. Liberation of Kuwait/Saudi Arabia Combat Ribbon
- I. Armed Forces Service Medal

all in violation of Title 18, United States Code, Section 704.

### **COUNT 19**

Violation: 18 U.S.C. § 513(b)  
(Possession of Counterfeiting implements)

On or about August 15, 2003, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly possess the following implements designed for and particularly suited for making counterfeit and forged securities: a computer, scanner, printers, software, and check stock all capable of creating securities with intent that they be so used, in violation of Title 18, United States Code, Section 513(b).

### **COUNT 20**

Violation: 18 U.S.C. § 1344  
(Bank Fraud)

#### **A. INTRODUCTION**

1. Bank of America is a federally insured financial institution located at 4625 Frankford Road in the city of Dallas, Texas, within the Eastern District of Texas.
2. The Home Depot is a retail business establishment that issues its payroll checks out of its account with Bank One in Circleville, Ohio.

B. THE SCHEME AND ARTIFICE TO DEFRAUD

3. On August 8, 2003, SMOCKS devised and intended to devise a scheme and artifice to defraud Bank of America and to obtain money, funds, and credits owned by or under the control of Bank of America by means of false and fraudulent pretenses, representation or promises.

C. THE MANNER AND MEANS OF THE SCHEME AND ARTIFICE

It is part of the scheme and artifice to defraud that:

4. On August 8, 2003, TROY SMOCKS opened bank account #4781819312 in the name of "Robert Perez" at the Bank of America by using a false identification (hereinafter referred to the "Perez Account").

5. SMOCKS fraudulently created counterfeit payroll check #14348 in the amount of One Thousand Three Hundred and Forty Two Dollars and Sixty Nine Cents (\$1,342.69) (hereinafter referred to as the "counterfeit check"). This counterfeit check was made payable to "Robert Perez" and was drawn on an account in the name of The Home Depot at Norwest Bank Faribault. Robert Perez is the fictitious assumed identity of SMOCKS. Further, SMOCKS knew that there was no bank account in the name of Home Depot at an institution known as Norwest Bank Faribault. SMOCKS signed a signature of purported, but fictitious, Home Depot representative as the maker of the counterfeit check.

6. SMOCKS, thereafter endorsed the counterfeit check as "Robert Perez" and presented it to Bank of America for deposit into the Perez Account.

D. THE EXECUTION OF THE SCHEME AND ARTIFICE

7. On August 8, 2003, within the Eastern District of Texas, SMOCKS, for the purpose of executing the scheme and artifice, knowingly tendered to Bank of America, for Deposit in the Perez Account, the counterfeit check in an attempt to receive credit for the Perez Account.

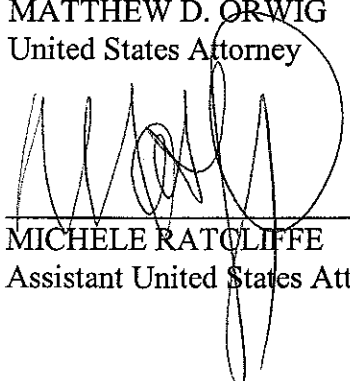
All in violation of Title 18, United States Code, Section 1344.

A TRUE BILL,



FOREMAN OF THE GRAND JURY

MATTHEW D. ORWIG  
United States Attorney



MICHELE RATCLIFFE  
Assistant United States Attorney



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

V.

TROY ANTHONY SMOCKS

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§  
§  
§  
§

Cause No. 4:05CR \_\_\_\_\_

Judge \_\_\_\_\_

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NOTICE OF PENALTY

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**COUNTS 1-5**

Violation: 18 U.S.C. § 1028 (a) (1)

Penalty: Imprisonment for not  
more than 15 years, a fine not  
to exceed \$250,000, or both.  
A term of supervised release  
of up to three (3) years.

Special Assessment: \$100.00 for each count

**COUNTS 6-15**

Violation: 18 U.S.C. § 1028 (a) (6)

Penalty: Imprisonment for not  
more than 1 year, a fine not  
to exceed \$100,000, or both.  
A term of supervised release  
of up to one (1) year.

Special Assessment: \$25.00 for each count

**COUNT 16**

Violation: 18 U.S.C. § 1028 (a) (5)

Penalty: Imprisonment for not more than 15 years, a fine not to exceed \$250,000, or both.  
A term of supervised release of up to three (3) years.

Special Assessment: \$100.00

**COUNT 17**

Violation: 18 U.S.C. § 702

Penalty: Imprisonment for not more than 6 months, a fine not to exceed \$5,000, or both.  
A term of supervised release of up to one (1) year.

Special Assessment: \$10.00

**COUNT 18**

Violation: 18 U.S.C. § 704

Penalty: Imprisonment for not more than 6 months, a fine not to exceed \$5,000, or both.  
A term of supervised release of up to one (1) year.

Special Assessment: \$10.00

**COUNT 19**

Violation: 18 U.S.C. § 513 (b)

Penalty: Imprisonment for not more than 10 years, a fine not to exceed \$250,000, or both. A term of supervised release of up to three (3) years.

Special Assessment: \$100.00

**COUNT 20**

Violation: 18 U.S.C. § 1344

Penalty: Imprisonment for not more than 30 years, a fine not to exceed \$1,000,000, or both. A term of supervised release of up to five (5) years.

Special Assessment: \$100.00